



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 11, 1995

Mr. David Lloyd
Assistant City Attorney
Department of Law
City of Austin
P.O. Box 1088
Austin, Texas 78767-1088

OR95-1071

Dear Mr. Lloyd:

You ask whether certain information is subject to required public disclosure pursuant to chapter 552 of the Government Code. Your request was assigned ID# 36159.

The City of Austin (the "city") received an open records request for a written statement made by an individual regarding a fire at his apartment on August 21, 1995. Additionally, the requestor seeks any other documentation concerning an investigation of the fire that occurred. You state that you have released to the requestor a copy of the statement the individual gave to the arson investigator after the fire. You contend that the remaining related documents are excepted from required public disclosure pursuant to section 552.108 of the Government Code since there is an ongoing criminal investigation into the fire. You have submitted for our review the documents at issue.

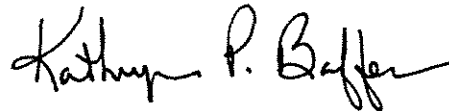
When applying section 552.108, this office distinguishes between information relating to cases that are still under active investigation and other information. Open Records Decision No. 611 (1992) at 2. Certain factual information, which is generally found on the front page of police offense reports, is public even during an active investigation. *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.—Houston [14th Dist.] 1975), writ *ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976) at 3-4 (listing factual information available to public).¹

¹We have enclosed for your review a copy of a summary of the information addressed in Open Records Decision No. 127 (1976).

Because this criminal investigation is ongoing, you must release the type of information as that listed in *Houston Chronicle Publishing Co.* and Open Records Decision 127 (1976). We note that some of the information of the type listed in *Houston Chronicle Publishing Co.* and Open Records Decision No. 127 (1976) does not appear on the first page of the offense report but appears elsewhere in the reports. Regardless of location, this information must be released since it is the content of the information not the location in the documents that determines whether information must be released under *Houston Chronicle Publishing Co.* See Open Records Decision No. 394 (1983), 127 (1976) at 5. The city may withhold the remaining information.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kathryn P. Baffes
Assistant Attorney General
Open Records Division

KPB/rho

Ref: ID# 36159

Enclosures: Submitted documents
Open Records Decision No. 127 (1976) summary

cc: Mr. John W. Ragland
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(w/o enclosures)